IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 773 OF 2003

IN

SUM. SUIT NO. 4728 OF 1999

Bank of India .. Plaintiffs.

vs.

Mr. Shishir Kumar Jadiya .. Defendant.

Mr. Mukesh Pagar for the plaintiffs.

Ms. Parvati for defendant.

CORAM : S.U. KAMDAR, J.

DATE : 16th August, 2005.

P.C.

. The summons for judgment has ben duly served on the defendant. However, the learned counsel appearing for the defendant states that she has no instructions in the matter and therefore cannot proceed with the summons for judgment. No affidavit in reply has been filed. The summons for judgment is filed on the basis of the claim arising out of credit card issued by the plaintiffs pursuant to an application made by the defendant in May, 1995. The credit card bearing No. 5420 3430 0980 5305 has

been used by the defendants and including withdrawal of the cash. In the aforesaid circumstances, the present suit has been filed for recovery of sum of Rs. 55,441,00/- along with interest on the principal amount of Rs. 25,727.00/- at the rate of 2.5% per annum. In view of the fact that no affidavit in reply is filed, though the summons for judgment is served on the defendant, I pass the following decree.

> There shall be a decree in favour of the plaintiffs and against the defendant in the sum of Rs. 55,441.00 along with interest on the principal amount of Rs. 25,727.00 at the simple rate of interest of 12% per annum.

2. Suit as well as the summons for judgment disposed of accordingly.